

Application No. 09/970458
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Amendment
Attorney Docket No. S63.2R-9396-US02

REMARKS

This Amendment is in response to the Office Action dated March 25, 2004. Each issue in the official action is discussed in detail below.

§103 Rejections

Claims 1-3, 5, 7, 10-14, 16 and 18 were rejected under 35 USC §103(a) as being unpatentable over U.S. 5944726 to Blaeser et al. in view of U.S. 5445646 to Euteneuer et al. The detailed rejection is found in paragraph 2 on page 2 of the official action.

Applicant traverses because, among other reasons, the rejection does not set forth a motivation to make the combination in the asserted manner. It is stated in the rejection that, "Euteneuer teaches that the proximal and distal retaining sleeves overlap *to form a seal*. (see col. 6, lines 47-48)" The purpose of this seal, as it is described in the same paragraph of column 6, at lines 39-41, is to create a "waterproof chamber". This disclosure is being used in the rejection to provide for the requirement in claim 1 that "the first and second stent retaining sleeves cover substantially the entire stent in the unexpanded position." However, the teachings of Euteneuer require further elements in order to create the "waterproof chamber" (see col. 6, lines 39-50). Substantially covering the stent is merely a furtherance of the main purpose which is the creation of a "waterproof chamber". Since there is no cited motivation to incorporate a waterproof chamber into the system of Blaeser et al., there is also no motivation to form a seal, as taught in Euteneuer et al. There is no motivation to attribute piece meal elements to the system of Blaeser et al. to inspire the present rejection. As such, withdrawal of the rejection is requested.

Claims 4 and 15 were rejected under 35 USC §103(a) as being unpatentable over U.S. 5944726 to Blaeser et al. in view of U.S. 5445646 to Euteneuer et al., as applied in paragraph 2, further in view of U.S. 6168617 to Blaeser et al.

Since claims 4 and 15 are dependent upon claim 1 and since the present rejection relies on the combination of references as set forth in paragraph 2, among other reasons, the present rejection similarly fails and withdrawal of the rejection is requested.

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Claims 6 and 17 were rejected under 35 USC §103(a) as being unpatentable over U.S. 5944726 to Blaeser et al. in view of U.S. 5445646 to Euteneuer et al., as applied in paragraph 2, further in view of U.S. 5919170 to Woessner.

Since claims 6 and 17 are dependent upon claim 1 and since the present rejection relies on the combination of references as set forth in paragraph 2, among other reasons, the present rejection similarly fails and withdrawal of the rejection is requested.

The application is now believed to be in condition for allowance. If any further issues arise, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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